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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 55th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 12 April 2001, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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The meeting was called to order at 3.10 p.m.

SPECIFIC GROUPS AND INDIVIDUALS:

(a) MIGRANT WORKERS

(b) MINORITIES

(c) MASS EXODUSES AND DISPLACED PERSONS

(d) OTHER VULNERABLE GROUPS AND INDIVIDUALS

(agenda item 14) (continued) (E/CN.4/2001/5 and Add.1-5, 79-81, 82 and Add.1 and 83 and Add.1; E/CN.4/2001/NGO/19, 20, 34, 39, 48, 58, 79, 84, 107, 111, 119, 130, 171 and 177; E/CN.4/Sub.2/2000/22, 23, 27 and Corr.1 and 28)

1. Mr. SOLARI (Argentina) said that large numbers of immigrants had been successfully integrated into Argentine society thanks to a Constitution which provided for their equal treatment and access to nationality and citizenship. Argentina had hosted the first South American conference on migrants in 2000, at which the need to encourage civil society and the media to raise public awareness of the human rights of migrants had been stressed. The participating countries had also agreed on the importance of cooperation on migrant issues between countries of origin and destination. Organized migration had been identified as a means of combating both irregular migration and trafficking in human beings. Argentina had also signed bilateral agreements with Bolivia and Peru to facilitate the regularization of migrants from those countries. A national institute to combat discrimination, xenophobia and racism had elaborated programmes to raise awareness of the human rights of migrants.

2. While anxious to guarantee the right of persons to enter, reside in, move in transit through and leave Argentine territory, his Government was doing its utmost to implement structural changes to ensure that young professionals were not forced to seek employment abroad for socio-economic reasons. Since public opinion viewed the "brain drain" as an obstacle to the country's development, the Government (in cooperation with international organizations and civil society) had brought citizens into contact with Argentinians living abroad so that they might collaborate on professional, academic, technical and other projects of benefit to the country.

3. His delegation was committed to supporting the work of the Special Rapporteur on the human rights of migrants.

4. Mr. ZHELGOV (Russian Federation) said that the elaboration of appropriate approaches to resolve the problems of minorities was an ongoing concern for many States, including his own. In some so-called "civilized" States, minorities continued to be marginalized in decision-making processes and subjected to discrimination in the workplace and in education. The Commission played an important role in defending minority rights, as evidenced in the report of the Secretary-General (E/CN.4/2001/81) and the report of the Working Group on Minorities (E/CN.4/2001/27). It was to be hoped that the Working Group would continue its work and devote more attention to concrete situations involving minorities.

5. In his country, the harmonization of inter-ethnic relations was a national priority. Comprehensive legislation - in line with international standards - guaranteed the rights of minorities, including their participation in decision-making. The Russian Federation comprised 177 peoples represented by over 1,000 community organizations which had been established during the period of democratic transition. Since 1996, hundreds of autonomous areas had been created at various levels, including one for the Roma people.

6. In order to combat nationalism and xenophobia, the emphasis was placed on preventive measures, including special education programmes to promote tolerance. The representation of ethnic groups in government and business was proportionally greater than their demographic representation.

7. Legislation provided for the possibility of receiving education in a person's mother tongue. Instruction in schools was currently conducted in 38 languages, with some 80 languages studied as part of the curriculum. Teachers were also being trained to work in native schools. Most republics had passed laws providing for an additional language to be used in government and other institutions alongside the State language. The number of regional newspapers, journals, television and radio programmes and Internet Web sites in native languages was also on the increase.

8. Despite recent improvements, his delegation continued to be concerned at the situation of the Russian-speaking population in Latvia and Estonia which still failed to meet international standards, particularly in the area of Russian-language education as reflected in the concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.142) on the situation in Latvia. His delegation accordingly wished to urge Latvia and Estonia to realize the rights of minorities residing in their territories. In particular, the procedure for acquiring citizenship should be simplified so that hundreds of thousands of permanent residents might enjoy their political and other rights. As a first step, non-citizens should at least be allowed to participate in elections and enjoy access to those professions currently barred to them.

9. In view of the vulnerability of minority groups, it was essential that their linguistic and other rights should be protected in both legislation and practice. At the international and regional levels, the relevant bodies should enhance the effectiveness of their work and promote inter-agency cooperation. In the new century, it was vital to give renewed impetus to joint efforts to realize minority rights.

10. Mr. BETANCOURT-RUALES (Ecuador), taking note of the report of the Special Rapporteur on the human rights of migrants (E/CN.4/2001/83), said that his delegation fully concurred with her understanding of the legal framework of her mandate. It was to be hoped that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families - which his country hoped to ratify before the Commission's fifty-eighth session - would provide the Special Rapporteur with an additional legal reference. His Government would do its best to ensure the success of her forthcoming visit to Ecuador.

11. Migrants had contributed positively to the formation of many States, his own included. Ecuador, indeed, was both a host country and a destination country. As part of its efforts to

regularize the situation of migrants and protect its own nationals abroad, his Government made active efforts to coordinate with other States, in accordance with relevant domestic legislation and international standards.

12. His delegation had supported all United Nations efforts to promote the human rights of migrants. It agreed with the identification by the Special Rapporteur of broken families as a matter requiring her particular attention. Such families increasingly encountered infringements of their economic, social and cultural rights, particularly in developing countries which lacked the resources to implement fully their international obligations in that regard and thus needed international assistance.

13. His delegation wished to reiterate its willingness to cooperate with other States to further the human rights of the millions of migrants throughout the world, and to strengthen the Commission's activities to that end.

14. Mr. GOPINATHAN (India) said that his country took great pride in its diversity. It was essential to achieve the social integration of all groups, particularly minorities, who were especially vulnerable. In the contemporary "global village", there was a need for concerted action by civil society and the media to promote a culture of tolerance, especially in view of the resurgence throughout the world of various forms of exclusivism, bigotry and hatred, as well as violence motivated by religious extremism.

15. The appropriate response was to be found in a democratic and constitutional framework which allowed the establishment of firm foundations of equality and non-discrimination. A culture of human rights and respect for pluralism should be promoted by Governments and given prominence in United Nations bodies, including the relevant Commission mechanisms.

16. The Working Group on Minorities had established itself as a serious forum for the analysis and consideration of constructive solutions to the problems of minorities. It must not, however, be turned into an instrument of "finger-pointing".

17. There was no single, universally applicable definition of minorities. In India, linguistic groups encompassed all segments of society in a particular region, cutting across ethnicities and religions, and minorities were accordingly defined principally along religious lines. Minority rights and freedom of religion were guaranteed by the Constitution. In keeping with its secular nature, however, no religious instruction could be provided in any institution wholly maintained out of State funds, and no person attending an educational institution recognized by the State could be compelled to take part in religious instruction. The Minorities Commission (established in 1979) monitored the workings of the Constitution and examined complaints regarding deprivation of the rights of minorities.

18. Regrettably, isolated incidents involving violence against members of minority communities did occur, although they were generally revealed to be the handiwork of criminal and fringe elements. The Government had repeatedly made it clear that it would not tolerate such incidents.

19. Lastly, he reiterated the comments made by his delegation at the Commission's previous session (E/CN.4/2000/SR.45, paras. 91-92), and expressed his disappointment that they had not found a mention in the report of the representative of the Secretary-General on internally displaced persons (E/CN.4/2001/5).

20. Ms. BIE (Norway) said it was sometimes asserted that minorities were the source of tensions and conflicts. Her delegation was convinced, however, that all national, ethnic, linguistic and religious groups contributed to cultural diversity and thus enriched society. The international community must seek to achieve social stability by creating democratic systems in which minorities could effectively enjoy their fundamental human rights.

21. The United Nations played a prominent role in promoting and protecting the rights of minorities. The Working Group on Minorities was a useful and practical body which deserved to develop its work further. Her delegation welcomed the Working Group's focus on the effective participation of minorities in decision-making and particularly appreciated its work concerning the Roma minority in Europe.

22. The effective protection of minorities required Governments to take decisive action at various levels so as to allow minorities to develop their characteristics. Regrettably, minorities in Norway had in the past been subjected to an assimilation policy which was currently considered unacceptable. A recent government paper would, however, serve as a basis for developing a coherent minority policy. It included a thorough review of domestic legislation and of Norway's international obligations towards national minorities, as well as a historical review of their relationship to the State. In particular, it discussed ways of ensuring the equal participation of such minorities in society and the preservation of their languages and culture. Emphasis was placed on achieving fruitful dialogue with minority representatives.

23. A government body for combating ethnic discrimination (established in 1999) monitored the type and extent of discrimination and provided legal assistance to victims. A law was being drafted to prohibit ethnic discrimination in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination. Indeed, the elaboration of appropriate legislation was crucial to national efforts to eradicate intolerance and discrimination. Governments must also take the lead in combating fear and ignorance and effecting a change of attitudes towards minorities.

24. Mr. BASSIOUNI (United Nations Children's Fund (UNICEF)) said that UNICEF was working in more than 40 countries to address the needs of women and children displaced as a result of armed conflict and natural disasters. It therefore applauded the increased focus on internal displacement issues in recent years and had promoted the Guiding Principles on Internal Displacement among its field staff and partners. UNICEF supported a collaborative inter-agency response to internal displacement and had worked to ensure that the consolidated appeals process focused on internal displacement.

25. Mr. DRAGANOV (Observer for Bulgaria) said that the National Council on Ethnic and Demographic Issues served as a direct channel of communication between minority communities

and the Government; its members included various deputy ministers and representatives of 32 ethnic minorities. It was currently working on a programme for ethnic and religious tolerance.

26. Turning to his Government's efforts with respect to the Roma communities, he said that a framework programme for the equal treatment of the Roma in Bulgarian society was being implemented. Experts of Roma origin had been appointed to a number of ministries and district administrations and efforts were being made to increase the number of Roma in the police force. A number of projects on education and health care for the Roma population were being or were about to be implemented. Not all the problems relating to the Roma community had been resolved, however, and his delegation was accordingly looking forward to the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

27. Turning to the subject of the Bulgarian national minority in the Federal Republic of Yugoslavia, he said he welcomed the fact that representatives of the minorities, including the Bulgarian minority, were taking an active part in the process of democratic change in that country. His Government was looking forward to a constructive dialogue with the Government of the Federal Republic of Yugoslavia, which could bring about positive results in the practical realization of the rights of that minority.

28. Mr. MALEVICH (Observer for Belarus) said that his Government was taking steps to ensure that persons belonging to national, ethnic, religious and linguistic minorities were able to exercise their rights. The rights of minorities were protected under the Constitution and a number of laws. Indeed, the law pertaining to citizenship of the Republic of Belarus had granted citizenship without restriction to all persons who were permanent residents of that country in 1991, at the time the law was passed. Belarus had thus managed to avoid the nationally or religiously motivated conflicts that characterized so many States of the former Soviet Union. He drew attention to a press release circulated by his delegation which provided more information regarding his Government's policy with respect to the rights of minorities.

29. Mr. MEJÍA SOLIS (Observer for Nicaragua) said that, while his Government was committed to ensuring respect for the human rights of all without distinction, it was focusing its attention on the most vulnerable groups such as the very poor, those in rural areas where access to education, health and housing was limited and minorities, such as indigenous groups and the disabled. It was seeking to raise the standard of living of all Nicaraguans to help stem the outflow of migrant workers seeking a better life in other countries and had taken steps to reflect in its policy the values of a multi-ethnic and multicultural society. It was also trying to help the many rural inhabitants who were still suffering as a result of the war and who needed special programmes to help their reintegration into society. In that connection, he stressed the importance of clearing the country of anti-personnel landmines and helping to rehabilitate those who had been disabled by such mines.

30. Mr. SUN Zhonghua (China Disabled Persons Federation), speaking also on behalf of the United Nations Association of China and the All China Women's Federation, said that the situation of the disabled in China had improved considerably. The number of children with visual, hearing or mental disabilities who were attending school had reached a historic high, the number of persons with disabilities who were employed had risen, thanks to the establishment of

special vocational training institutions, and the incidence of blindness had been reduced thanks to the introduction of preventive measures such as screening of newborns and the provision of iodized salt. In addition, public awareness of the rights and abilities of persons with disabilities had been increased.

31. He expressed indignation at the fact that some countries were criticizing China's human rights record. Human rights should not be politicized nor should a double standard be applied to such issues. The unwarranted charges levelled against developing countries, particularly his own, had sowed distrust in the Commission and had seriously harmed the human rights movement.

32. Recalling that 600 Falun Gong disciples, acting on the instructions of Li Hongzhi, had committed mass suicide, he said that cults which did not register according to the law, which demonstrated without authorization, committed suicide or murder or harmed people or society must be banned. The Government should have banned Falun Gong much earlier. The organizations on whose behalf he was speaking believed that those few countries which supported Falun Gong did so simply because of their anti-China bias.

33. Ms. NKOWANE (World Young Women's Christian Association), speaking also on behalf of the World Union of Catholic Women's Organizations and Pax Christi, said that, given that half of all migrants were women, it was necessary to encourage further research and study of problems relating to migrant labour and women. She called upon Governments to improve the status of migrant women by inter alia ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Elimination of All Forms of Discrimination against Women, granting independent legal status to women migrants even if their residence permits were initially granted on the basis of marriage - since immigrant women often stayed in abusive marriages for fear of having to return home if they divorced - and making it easier for undocumented migrants to seek effective remedies for human rights violations without fear of being summarily deported.

34. In conclusion, she requested that special emphasis be placed on gender and gender issues with regard to migration, particularly the multiple jeopardy that occurred when gender, class, race and ethnicity intersected.

35. Mr. ARBEZ (World Union for Progressive Judaism), after thanking the World Union for giving him, a Genevan priest, the opportunity to address the Commission, said that it was essential to uphold the rights of minorities and to speak out. One reason that Hitler had dared to begin the extermination of millions of people, particularly Jews, in 1939 was that the Western Powers had greeted the massacres of Armenians, culminating in the genocide of 1915, with silence.

36. The West was again standing idly by while hundreds of thousands suffered at the hands of the Islamist regime in Khartoum, while Christians were being massacred by fanatics in Nigeria following the imposition of the shariah law on all the inhabitants of one state in that country and while Islamic commandos destroyed churches in the Molucca islands in Indonesia forcibly converting thousands of Christians and causing 500,000 persons to become displaced.

A Catholic bishop and a Protestant pastor had come to Geneva the previous year to urge the United Nations to intervene to stop the extermination of those people but there had been no response.

37. He wondered why neither Western politicians nor the Western media had seen fit to report those human rights violations being perpetrated against Christian communities and why they were applying such a double standard.

38. Mr. LITTMAN (Association for World Education) said that many members of the NGO community were feeling increasingly vulnerable as targets for attacks by State delegates. In a letter to the Chairperson of the Commission, dated 9 April 2001, the main representative of his organization had written that it was crucial to oppose ad hominem attacks on NGO representatives to the Commission whatever the reason. After referring to slavery and rape in the Sudan and growing ethnic-religious tensions in Indonesia, he said that the situation in the Moluccas required urgent attention from the Commission. The international community should assist the Government of Indonesia to end the acts of savagery, depravity and criminality in the Moluccas. The role of the Commission and of NGOs was to help Governments who found themselves unable to deal justly with violent outbreaks of communal, ethnic or religious conflict, and to find appropriate ways of dealing with minority issues at the first sign of tension.

39. Mr. PORRET (Association of World Citizens), referring to the link between internal displacement and refugee flows, said he wished to highlight the plight of environmental refugees. Even if environmental degradation did not lead to wide conflict, it could lead to internal displacement and cross-frontier flows. Successive droughts in Africa had created such displacement, and there was a real possibility that global warming and the consequent rise in sea level would lead to the displacement of coastal people. While everything possible had to be done to prevent global warming, there should be a plan of action within the United Nations system to deal with the resultant massive displacements of people.

40. Mr. SÁNCHEZ (American Association of Jurists) said that, together with 42 other non-governmental organizations (NGOs), his Association had sent a petition to the Bureau calling on the Commission to adopt a resolution asserting the primacy of the right to life over the exorbitant profits made by transnational pharmaceutical companies. The resolution should state that the right to life was more important than intellectual property rights; should urge the United States of America to withdraw its complaint at the World Trade Organization (WTO) against Brazil; and should appeal to the transnational pharmaceutical companies to drop their case against South Africa.

41. Although the argument was made that protection of a patent over a long period promoted investment in research, a large part of that investment was made by States, laboratories spent much more on advertising than on research, the owner of a patent very rapidly earned back the investment he had made and then made very large profits, the new knowledge acquired through research was the result of work done by a large number of scientists and technical experts, so it was questionable that it was the exclusive intellectual property of those who had invested the capital, and a long-term patent led to monopoly prices that were prejudicial to consumer interests.

42. The Security Council should adopt a resolution declaring that all drugs for the treatment of AIDS were in the public domain. The European Parliament had recently passed a resolution to the effect that the European Commission and the European Council should act without delay to recognize the right of countries affected by AIDS to import, manufacture and market drugs without paying intellectual property rights. The Commission should make an unambiguous statement on the subject during its current session.

43. Mr. LATTIMER (Minority Rights Group International) said that the civil war in Burundi was politically driven and manipulated by elites seeking to capture or maintain power. Since the signing of the Arusha peace accord in August 2000, the violence had increased and had resulted in further large-scale displacement. The controversial regroupment policy had forcibly contained civilians in so-called "protection sites" under the gaze of the army. Closure of the camps was stipulated in the Arusha peace accord but the practice continued. His organization welcomed the latest round of talks in Arusha, and recommended the permanent closure of all regroupment camps and the supported voluntary return of Burundians who had fled the country and of those who were internally displaced; the continued support of the international community for the peace process through diplomatic and financial backing and peace-building efforts; and the inclusion in the peace process of the views and interests of all sectors of society, including the most marginalized and those disadvantaged for reasons other than ethnicity.

44. Mr. CANNY (International Catholic Migration Commission) expressed concern that receiving countries were unwilling to join in the recent drive to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the one human rights standard that would protect the rights of large groups of people on their own territories who were often treated as second-class citizens. The prevailing market ideology favoured the free movement of goods but restrained the free movement of persons.

45. Migrants were becoming desperate, and desperate people did desperate things: an increasing number were falling into the hands of traffickers and were living in forced labour and sexual exploitation, especially women and children. His organization recommended that States should adopt legislation criminalizing the traffickers and abrogate legislation criminalizing victims; and that customs and police officers, as well as judges and lawyers, should receive appropriate training in dealing with victims. States should also be encouraged to invite the Special Rapporteur on the human rights of migrants to visit their countries and respond to her urgent appeals and communications.

46. Mr. CASTILLO BARROSO (Movimiento Cubano por la Paz y la Soberanía de los Pueblos) said that forced migrations represented 2.5 per cent of the world's population, with the United States of America and the countries of the European Union accounting for 25 million and 18 million persons respectively. Traffickers made an estimated US$ 30, 000 million per year.

47. In the case of Cuba, the illegal trafficking in persons orchestrated from the United States of America through the so-called "Law of Cuban Adjustment" had claimed thousands of lives over the past three decades, and not a single trafficker had been arrested in the United States, although Cuba had provided abundant and precise information through government channels.

Other migrants - from Mexico, the Dominican Republic and Haiti - undertook horror-filled crossings to the "promised land", whereupon they were either deported or they served as cheap labour until being expelled.

48. Some analysts considered that, if it was to continue its economic growth over the next 50 years, Europe would require 47.4 million migrants. Governments in Europe adopted double standards: immigration legislation was amended to permit the legal entry of the necessary labour force of young, single people, while denying other immigrants, especially those with no documents, their basic rights. The Commission should condemn such criminal practices, particularly the so-called "Law of Cuban Adjustment", the ignominious complement of the United States blockade of Cuba.

49. Ms. LUTHI (International Movement against All Forms of Discrimination and Racism (IMADR)), speaking also on behalf of the Steering Committee for the Global Campaign for Ratification of the International Convention on Rights of Migrants, said she was confident that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families would receive the four more ratifications it needed and enter into force during the current year. Unfortunately, that progress was matched by tragic tales from all regions of the world of violence against and abuse of migrants as well as widespread discrimination and exploitation, particularly in employment. There was clearly an urgent need for the protection the Convention provided. States also needed to consider measures to regularize long-term irregular migrants in their territories.

50. Ms. STANTON (Robert F. Kennedy Memorial) said that in the Sudan, which had the largest displaced population in the world, as many as 150,000 persons had been newly displaced during 2000, much of the displacement occurring because government forces were systematically bombing civilian and humanitarian targets. In the first three weeks of January 2001 there had been eight confirmed bomb attacks against civilian and humanitarian sites. Moreover, the Government of the Sudan and allied militias had been launching offensives to gain control of strategic oil-producing areas, thus causing mass population displacement.

51. The situation of internally displaced persons in Indonesia was also of great concern: instead of intervening to stop the conflict and protecting transmigrants from Madura, the Indonesian military was facilitating the exodus of Madurese from Kalimantan. In Aceh, camps for internally displaced persons had been targeted for attacks by the Indonesian military because of unsubstantiated rumours that they were used as hideouts by the Free Aceh Movement. In the Moluccas, the humanitarian situation in the camps for internally displaced persons was very problematic.

52. Her organization urged the Commission, with regard to the Sudan, to condemn the bombing of civilian and humanitarian targets; to ensure adequate resources for the new Special Rapporteur and instruct him to address the situation in the oil-producing regions; and to encourage a mission to the Sudan by the Special Rapporteur on violence against women to examine the specific effects of internal displacement upon women.

53. With regard to Indonesia, her organization urged the Commission to insist that the Representative of the Secretary-General on internally displaced persons be granted full and free

access to the regions where internal displacement was occurring and to the camps where the internally displaced persons were housed; to instruct the Government of Indonesia to ensure that military attacks against and intimidation of camps for internally displaced persons cease immediately; and to remind that Government of its duty to provide internally displaced persons with humanitarian assistance.

54. Mr. ROSSI (International Association for Religious Freedom) said that, in many States, persons belonging to religious minorities were unable to enjoy their human rights in conditions of full equality before the law. In Pakistan, members of minorities could vote only for candidates put forward by their respective religions; a discrimination that had poisoned the country's socio-political atmosphere and contributed to the spread of sectarianism and violence. In the Islamic Republic of Iran, the Baha'i minority had been harassed and persecuted solely because of its religious faith. Baha'is were still discriminated against at the social, economic and legal levels and in education, despite some positive indications of change in the policy of the authorities.

55. In France, many respectable religious minorities, among the 172 supposedly dangerous sects listed in the 1996 Guyard Report, were marginalized and stigmatized. Mr. Guyard himself, had cooperated in a disinformation campaign. On television, he had baselessly accused a spiritual movement which respected the law and human dignity of being a sect. Jehovah's Witnesses were regarded as a sect which threatened public order. The National Assembly had adopted an anti-sect bill that had produced a wave of protests both inside and outside the country because it contained proposals that could infringe upon freedom of association and religion.

56. The Commission should be more active in protecting minorities, particularly persecuted religious minorities, by directly addressing the Governments of the countries concerned.

57. Mr. PRADHAN (Rural Reconstruction Nepal) said that for, almost a decade, more than 100,000 refugees from Bhutan had been languishing in camps in eastern Nepal and between 15,000 and 20,000 Bhutanese refugees were scattered in the bordering states of India. The Bhutanese refugee problem was the creation of the Bhutan State, and the result of policies of ethnic cleansing carried out by the Government of Bhutan against its Nepali-speaking southern Bhutanese or Lhotshampas, who differed racially, culturally and linguistically from the ruling Buddhist community.

58. After several years of negotiations on the repatriation of the refugees, the Government of Bhutan had finally agreed to a field verification to determine if refugees had been Bhutanese citizens in December 2000. While the verification, which had begun on 26 March 2001, was welcome, the Commission should take note of a number of facts: given the size of the joint verification team, it would take years to complete the process; the results of the verification process were not made known to the refugees; the categorization of the verified refugees would take a further number of years and the Government of Bhutan had not made public its repatriation plan.

59. The continued resettlement of people from other parts of Bhutan on land belonging to the refugees rendered doubtful the sincerity of the Government of Bhutan, which should declare a general amnesty as a prerequisite for ensuring repatriation of all its citizens safely and securely.

Finally, there had been no implementation of the recommendations made in the Chairmen's statements adopted at the 1998 and 1999 sessions of the Sub-Commission on the Promotion and Protection of Human Rights, calling for the involvement in the verification and repatriation process of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

60. Ms. AVILA FONSECA (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that, according to the Representative of the Secretary-General on internally displaced persons, over 25 million people across the world had been displaced as a result of conflicts and human rights violations. In Africa, half the population had been internally displaced.

61. In Latin America, Colombia had a particularly high number of human rights violations. Between 7 and 10 communities were forced out of their homes every month by the escalation of the conflict or by the crop spraying and other activities under Plan Colombia. Over 308,000 people had been displaced between January and November 2000. Those displaced in previous years still lived in dire circumstances, without employment or the minimum guarantees for survival.

62. In the year 2000, there had been 664 reported cases of people detained or disappeared in Colombia. Most were imprisoned without charge, so it was impossible to find them, still less to catch those responsible. Impunity reigned. Human rights defenders and members of the families of disappeared persons were victimized and targeted.

63. She called on the Commission to urge, in its resolution on Colombia, that displaced persons be returned and preventive measures adopted. It should also express its profound concern about impunity in connection with enforced disappearances, calling upon the Government of Colombia to take decisive action to find and punish those responsible and to enable the Working Group on Enforced or Involuntary Disappearances to pay another visit to Colombia.

64. Mr. FARZAN (Human Rights Advocates, Inc.) said that migrant workers and their families currently comprised some 97 million people and their human rights were being constantly violated. For example, in 1994 the United States of America had adopted a policy to control the flow of illegal immigration on its southern borders, while doing very little to address the reasons for the flow, which had led to many deaths. His organization commended the statement by the representative of the United States that it recognized the problem and would continue work to help the Mexican economy. Action should be taken immediately, however, to reduce the deaths at the border.

65. In Europe, the adoption of the Schengen agreements had led to the countries concerned severely tightening their external borders, despite their desperate need of labour to maintain their economic standards. Many would-be migrants had died in the attempt to enter those countries.

66. In Saudi Arabia, migrant workers were vulnerable to abuse by their employers, partly because they had no trade unions. They were afraid to practise their religion because they could face arrest, ill-treatment or deportation. They also had little legal protection under the criminal justice system.

67. Thailand still had very weak laws on human trafficking. Immigration detention centres were overcrowded and many migrants had no effective way of challenging the charge of illegal entry.

68. Thus far, only sending nations had ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

69. The Commission should ask the Special Rapporteur on the human rights of migrants to visit troubled border regions, to develop solutions for preventing the many deaths that occurred there, to consider measures for identifying bodies found along the borders, so that families could be notified, and to suggest what other measures the United Nations could take towards a more comprehensive approach to human trafficking and its prevention.

70. Mr. FATTORINI (Movement against Racism and for Friendship among Peoples) said that he wished to draw attention to the killings and forced displacements suffered by people of African descent in Colombia. Even the Government acknowledged that, over the past six months, 30 per cent of those internally displaced belonged to the Afro-Colombia community. Perhaps the most damaging discrimination for many years lay in the very denial of their existence. It was only after a long campaign that Afro-Colombians had been recognized as an ethnic group and its proportion of the population officially put at 21 per cent.

71. Paramilitary groups in Colombia engaged in killing, intimidation and forced displacement, often with the notorious participation of members of the police force. They claimed to be seeking guerrillas, but in fact they displaced or murdered people so that they could take over their land.

72. The Commission should, once again, send a firm and clear message to the military regime in Myanmar. Any improvement brought about by the approach adopted by the Special Rapporteur was to be welcomed, but minorities in that country were still subjected to persistent discrimination. The regime should implement a ceasefire throughout the country, so that representatives of all the minorities could embark on negotiations to democratize the country.

73. Lastly, his organization was most disappointed at the delay in the referendum process in Western Sahara and the deterioration in the relations between the two parties. The problems in the refugee camps and the prison camps were directly connected with the overall situation. The referendum would be a first step to resolving a thorny issue which tarnished the new image of the Kingdom of Morocco.

74. Mr. WEI Jingsheng (Transnational Radical Party) said that ...

75. Mr. SUN Xiaobo (China), speaking on a point of order, questioned whether the speaker truly represented the Transnational Radical Party.

76. Mr. WEI Jingsheng (Transnational Radical Party), after establishing that he did indeed represent that organization, said that, in China, about 100 million peasants had left the countryside in search of work in the cities, on account of the bureaucracy, corruption, low incomes and high taxes in the rural areas. Because the Communist party controlled most industrial and commercial enterprises, ordinary peasants were prevented by officials and their relatives from competing and had to depend on subsistence farming or migrate to the cities. In the cities, they were regarded not as citizens but as illegal immigrants. The police or military often arrested and deported them, demolishing their homes. Urban hospitals refused to treat patients without residence permits, and such people had no means of protecting their human rights. If they tried to organize they were violently suppressed.

77. Such actions violated not only United Nations human rights instruments but also China's own Constitution and legislation. China should reform its judicial and administrative systems and guarantee respect for human rights conventions and the reformed legislation. Law-enforcement and administrative organs should be closely supervised and fair treatment for peasants and all other citizens guaranteed.

78. Mr. PETTERSON (Norwegian Refugee Council) said that it was of the utmost importance that the mandate of the Representative of the Secretary-General on internally displaced persons should be renewed and that it should receive additional financial and political support. One of the Representative's greatest achievements had been the development of the Guiding Principles on Internal Displacement, which restated internationally recognized human rights norms. The Commission, the General Assembly, the Security Council and the Secretary-General had all supported the Guiding Principles and various agencies had called for their immediate implementation.

79. Unfortunately, a small number of countries had not fully understood the Principles and had taken a defensive stand on grounds of national sovereignty to block vital international assistance for internally displaced persons. The Commission should take a strong stand on ensuring adherence to the Principles. It should encourage all United Nations country and thematic rapporteurs and the treaty bodies to widen their use of the Principles as a yardstick to assess State behaviour.

80. While the primary responsibility for the protection of internally displaced persons lay with the Government, the international humanitarian community should, if a Government was unwilling or unable to meet its obligations, be given access to the persons concerned. Indeed, Governments should enjoy the prerogatives of sovereignty only as long as they fulfilled their international obligations to their citizens. Indeed, the international community's active promotion of the Guiding Principles should be seen not as a threat to sovereignty but as a way of strengthening it.

81. Mr. KARKLINS (Latvia), speaking in exercise of the right of reply, said that the statement by the representative of the Russian Federation did not correspond to the conclusions reached by international human rights organizations. The High Commissioner on National Minorities of the Organization for Security and Co-operation in Europe (OSCE) had stated in 1999 that he was fully content with Latvia's Citizenship Law and that Latvia had implemented all his recommendations. He had made a similar statement with regard to the Language Law.

Moreover, the Council of Europe had recognized the compatibility of Latvia's legislation and practice with human rights standards and had decided to end its monitoring of the country.

82. With regard to education, he said that the Latvian State allocated funds for education in eight minority languages. There were 373 schools with Latvian as the language of instruction, 190 with Russian and 159 with two languages of instruction. There were two Hebrew, one Ukrainian, one Estonian, one Lithuanian, one Belarusian and six Polish schools, as well as Romany classes in six schools.

83. His delegation had been glad to hear that the observance of international standards was on the agenda of the Russian delegation.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

Statements in exercise of the right of reply

84. Ms. TAHIR-KHELI (United States of America) said that the Minister for Foreign Affairs of Iraq had made a number of false statements in his address to the Commission at its 54th meeting. Far from always giving priority to the well-being of its people, the Iraqi Government had, over the past generation, given priority to warfare, invading its neighbours and depriving its own citizens of the most elemental human rights. Moreover, rather than learning from the disastrous consequences of its policies, the regime had continued to pour resources into weaponry and its own self-preservation.

85. Indeed, the Iraqi Government had never cared about its own people but exploited their suffering in order to increase pressure on the international community to lift the sanctions. Its cynical offer was: "If you let us rebuild our weapons of mass destruction, we will let you feed our people." The Government's refusal to admit the Special Rapporteur on the situation of human rights in Iraq was further proof of the human rights violations inflicted by the regime on its people.

86. In alluding to the 1991 comprehensive military aggression against Iraq, the Minister had failed to recall that Iraq's invasion of Kuwait had led directly to its defeat in the Gulf war and the controls imposed by the Security Council. Those controls remained in place for one reason only: Iraq's refusal to comply with them. Baghdad therefore held the key to their duration. Until it complied, the sanctions were international law and merited the full support of all Member States.

87. In order to mitigate the impact on the Iraqi population, however, the United Nations had mounted the oil-for-food programme which, although resisted by the regime for a number of years, had become the largest humanitarian assistance programme in United Nations history. The well-being of the Iraqi people had improved, precisely because the programme operated independently of the regime.

88. Her Government was currently consulting other Member States to ensure that United Nations controls should deprive the regime of the weaponry and military components it sought but allow more trade between the Iraqi people and the

international community. The successful completion of those consultations would ultimately lead to the re-entry of a new Iraq into the community of nations.

89. Ms. GLOVER (United Kingdom) said, in reference to the statement by the Minister for Foreign Affairs of Iraq, that the Government of Iraq's only response to criticism of its appalling human rights record was, typically, to try to deny or suppress the facts, despite the overwhelming evidence of its brutal misrule.

90. Her Government totally rejected Iraq's attempt to blame United Nations sanctions for the humanitarian situation in Iraq. The facts showed that responsibility rested with the Iraqi regime. For example, over US$ 4 billion of humanitarian funds for the Iraqi people lay unspent in the United Nations Iraq Account. Moreover, Iraq had not so far ordered any medicines in 2001 under the current phase of the oil-for-food programme.

91. As for the no-fly zones, they had been set up in response to the Iraqi regime's cruel repression of the Kurds and Shiites. Those patrols could be ended immediately if there was no threat to the populations that they protected. Nor would there be any need for them to respond if Iraq stopped trying to kill the patrol aircrews.

92. Her Government called on the Government of Iraq to put an immediate end to its human rights violations, which included arbitrary arrest, torture and extrajudicial execution, to take immediate steps to improve the humanitarian situation, to cooperate with the United Nations and to allow progress on sanctions.

93. Mr. HUSSAIN (Observer for Iraq) expressed his amazement that the representatives of the United States and the United Kingdom should have resorted to the right of reply to attack Iraq's human rights record, when their two Governments had been responsible for violating Iraqi human rights for 11 years. Those two Governments alone insisted on maintaining the economic sanctions and the embargo, as a result of which an Iraqi child died every seven minutes. As many had pointed out, that amounted to the crime of genocide.

94. The United States and the United Kingdom continued their violations of Iraqi airspace, spreading terror with their shelling of every kind of target, including Shiite religious centres. The use of depleted uranium in vast quantities had also had frightening consequences, including an increased incidence of cancer.

95. The two Governments sought to hamper the application of the food-for-oil programme in every possible way. US$ 3.2 billion remained suspended and he noted that some of those involved in administering the programme had resigned in protest at the inhumanity of the two Governments' actions.

96. The crimes committed were a cause for shame for the people of the United States and the United Kingdom. They made much of their struggle against Nazism, but their own actions were no better. The Iraqi people, though small and with few resources, would fight to preserve their dignity and independence.

The meeting rose at 6.10 p.m.